IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 2122 OF 2007

Sagar Manohar Waghmare. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

Umesh Mankapure for the applicant.

S.S.Pednekar, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 21st August 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. The applicant is seeking bail in connection with C.R.No.53/2006 registered with Shahuwadi Police Station, Kolhapur. The case is mainly under section 302 of Indian Penal Code.

3. The learned counsel for the applicant submits that there is no eye witness to implicate the present applicant in the offence alleged. There is no recovery at his instance. He submits that his role was same that of co-accused- Deepak Patil. In other words, he is seeking bail on parity contending that

co-accused Deepak Patil has already been granted bail by this court vide order dated 25th April, 2007 passed in Criminal Application No.1064/2007.

4. The learned A.P.P., appearing for the State, though tried to oppose for grant of bail but could not take his submissions to the logical end and concedes that the role played by the present applicant and that of co-accused Deepak Patil is identical. In this view of the matter, I am inclined to grant bail to the applicant, subject to the following conditions:

(a) The applicant, arrested in connection with C.R.No.53/2006 registered with Shahuwadi Police Station, Kolhapur shall be enlarged on bail in the sum of Rs.15,000/- with one or two local sureties to make up the said amount.

(b) The applicant shall report to the concerned Police Station once in a week, i.e. on every Friday between 3.00 to 5.00 p.m. till conclusion of the trial.

(c) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail.

The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the investigating officer.

(d) The applicant shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(e) The applicant shall co-operate with the investigating agency for disposal of the case. It is needless to mention that breach of any of the conditions by the applicant shall result in cancellation of bail.

(f) Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

5. Application stands disposed of accordingly.

JUDGE